

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

YEMANE AMARE,

2:12-CV-955 JCM (VCF)

**Plaintiff(s),**

V.

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant(s).

## ORDER

16 Presently before the court is Magistrate Judge Ferenbach's report and recommendation. (Doc.  
17 # 20). No objections have been filed, and the deadline to do so has passed.

18 Plaintiff has filed a complaint asking this court to reverse the decision of the administrative  
19 law judge (“ALJ”) or, alternatively, remand to the Social Security Administration (“SSA”) so that  
20 the ALJ may properly evaluate the evidence. (Doc. # 1). Upon review of the complaint, the  
21 magistrate judge determined that the ALJ’s decision was based on legal error. The magistrate  
22 recommends that plaintiff’s motion to remand (doc. # 9) be granted so that the ALJ may properly  
23 consider plaintiff’s post traumatic stress disorder. The magistrate further recommends that  
24 defendant’s cross motion for summary judgment (doc. #13) be denied.

25 This court “may accept, reject, or modify, in whole or in part, the findings or  
26 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects  
27 to a magistrate judge’s report and recommendation, then the court is required to “make a de novo

1 determination of those portions of the [report and recommendation] to which objection is made.”  
 2 28 U.S.C. § 636(b)(1).

3       Where a party fails to object, however, the court is not required to conduct “any review at all  
 4 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
 5 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
 6 judge’s report and recommendation where no objections have been filed. *See United States v.*  
 7 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
 8 district court when reviewing a report and recommendation to which no objections were made); *see*  
 9 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s  
 10 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any  
 11 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s  
 12 recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
 13 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
 14 to which no objection was filed).

15       Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
 16 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
 17 and underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in  
 18 full.

19           Accordingly,

20           IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge  
 21 Ferenbach’s report and recommendation (doc. # 20) be, and the same hereby is, ADOPTED in its  
 22 entirety.

23           IT IS FURTHER ORDERED that defendant’s cross motion for summary judgment (doc. #  
 24 13) be, and the same hereby is, DENIED.

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1 IT IS FURTHER ORDERED that plaintiff's motion to remand (doc. # 9) be, and the same  
2 hereby is, GRANTED.

3 DATED September 27, 2013.  
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5 *James C. Mahan*  
6 **UNITED STATES DISTRICT JUDGE**  
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